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10/761,661

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EXAMINER

REGO, DOMINIC E

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/761,661	Applicant(s) PAGAN, WILLIAM GABRIEL	
	Examiner Dominic E. Rego	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 9-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 4 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 4, line 3, Applicant recites the limitations "an external microphone that is hinged to the computer on a swivel". This limitations is not supported by the specification refer to page 5, paragraph 0023. According to figures 4b and 4c and paragraph 0023 recites, "cell phone 400 has an external microphone 416, shown in Figure 4b, that hinges about a swivel 418. External microphone 416 can swing down, as shown in Figure 4c, when cell phone 400 is being used as a standalone voice telephone". Appropriate correction/clarification is required.

Claim Objections

3. Claim 1 is objected to because of the following informalities: Claim 1, lines 4-7, Applicant recites the limitations "wherein the hinge allows the first component to be selectively rotated about the hinge, at an obtuse angle away from the first component"

which should be -- wherein the hinge allows the first component to be selectively rotated about the hinge, at an obtuse angle away from the second component--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1,2,7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kazuo (Japanese Publication #11-013564) in view of Kobayashi (US Patent #6,917,824).

Regarding claim 1, Kazuo teaches a wireless phone (*Figure 1, element 10*) comprising:

a first component (*Figure 1, element 11*);

an external antennae extending away from the first component (*Figure 1, an external antennae 11d extending away from the first component 11*);

a second component permanently hinged to the first component by a hinge (*Figure 1, a second component 12 permanently hinged to the first component 11*);

a keypad in the first component, the keypad allowing entry of a telephone number to be called to connect to a computer network (*Paragraphs 0010 and 0016*);
and

a connector in the second component, the connector in the second component being adapted to be directly physically inserted into an existing interface port in a computer (*Figure 1, a connector 12 in the second component, the connector in the second component being adapted to be directly physically inserted into an existing interface port 13a in a computer 13; Paragraphs 0010-0017*), except wherein the hinge allows the first component to be selectively rotated about the hinge, at an obtuse angle away from the first component, to reposition the antenna to achieve optimal reception;

However, in related art, Kobayashi teaches wherein the hinge allows the first component to be selectively rotated about the hinge, at an obtuse angle away from the first component, to reposition the antenna to achieve optimal reception (*See figure 2C; Col 7, line 52-col 8, line 22: Kobayashi teaches the first hinge unit 14 is capable of rotating the second housing 12 from the first angle position indicating the angle formed by the second housing 12 of 0 degree (the closed condition) to a predetermined second angle position indicating the angle formed by the second housing 12 of alpha (the opened condition). Further, the first hinge unit 14 is capable of keeping one of the first angle position, the second angle position, and a third angle position indicating the angle formed by the second housing 12 of beta*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Kobayashi to Kazuo, in order to flexibly move the first and second component of the housing to receive a better signal.

Regarding claim 2, the combination of Kazuo and Kobayashi teach all the claimed element in claim 1. In addition, Kazuo teaches the wireless phone, wherein the

second component is configured as a PC Card (paragraph 0010).

Regarding claim 7, the combination of Kazuo and Kobayashi teach all the claimed element in claim 2. In addition, Kazuo teaches the wireless phone, wherein a signal from the existing interface port of the computer and the connector in the second component of the wireless phone is a modulated signal (*Figure 1, Kazuo teaches the wireless phone 10, wherein a signal from the existing interface port 13a of the computer 13 and the connector 12 in the second component of the wireless phone 10 is a modulated signal*).

Regarding claim 8, the combination of Kazuo and Kobayashi teach all the claimed element in claim 2. In addition, Kazuo teaches the wireless phone, wherein a signal from the existing interface port of the computer and the connector in the second component of the wireless phone is a data packet (Paragraph 0018).

6. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kazuo (Japanese Publication #11-013564) in view of Kobayashi (US Patent #6,917,824) and further in view of Ohnishi et al. (US Patent #6,525,932).

Regarding claim 3 and 5, the combination of Kazuo and Kobayashi fail to teach the wireless phone, wherein the PC Cards are a Type I, and III card.

However, in related are, Ohnishi teaches the wireless phone, wherein the PC Cards are a Type I and III card (Col 1, lines 46-58; Col 2, lines 28-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the

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time of the invention to provide the above teaching of Ohnishi to Kazuo and Kobayashi in order to use any type of present and future mobile device without any difficulty.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kazuo (Japanese Publication #11-013564) in view of Kobayashi (US Patent #6,917,824), and further in view of Sudo et al. (US Patent # 6,198,948).

Regarding claim 4, as is explained in Paragraph 2 under 112 first, “ an external microphone that is hinged to the wireless phone on swivel, wherein the external microphone is capable of swinging downwards when the wireless phone is uncoupled from the computer for use as a standalone voice telephone”.

The combination of Kazuo in view of Kobayashi disclose all the limitations of subject matter of claim 4 with the exception of the following limitations: The wireless phone, further comprising: an external microphone that is hinged to the computer on swivel, wherein the external microphone is capable of swinging downwards when the wireless phone is uncoupled from the computer for use as a standalone voice telephone.

However, in related art, Sudo teaches the wireless phone, further comprising: an external microphone that is hinged to the computer on swivel, wherein the external microphone is capable of swinging downwards when the wireless phone is uncoupled from the computer for use as a standalone voice telephone (Figure 6, element 33; Col 6, line 66-Col 7, line 20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Sudo to Kazuo and Kobayashi in order to flexibly move the microphone to some position where the user can comfortably use the microphone depending of their size.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kazuo (Japanese Publication #11-013564) in view of Kobayashi (US Patent #6,917,824) and further in view of Cheung et al. (US Patent Application Publication #2004/0032308).

Regarding claim 6, the combination of Kazuo and Kobayashi fail to teach the wireless phone, wherein the connector is an IEEE 1394 compliant connector plug.

However, in related art, Cheung teaches the wireless phone, wherein the connector is a USB plug (*Paragraph 0020*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Cheung to Kazuo and Kobayashi in order to transfer data to other units.

Response to Arguments

9. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic E. Rego whose telephone number is 571-272-8132. The examiner can normally be reached on Monday-Friday, 8:30 am-5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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